

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 15-03419-CV-S-BP
)	
TIMOTHY O’LAUGHLIN,)	
)	
Defendant.)	

ORDER

Before the Court are multiple *pro se* Motions filed by Defendant between April 2, 2021 and September 20, 2021. This matter has been referred to the undersigned for processing and handling.

Defendant is currently hospitalized at the Federal Medical Center in Rochester, Minnesota, pursuant to a commitment under 18 U.S.C. § 4246, and is represented by the Federal Public Defender. On March 15, 2021, before Defendant filed the multiple Motions at issue, he filed a Notice of Appeal as to two Orders dated March 1, 2021 and March 4, 2021. (Docs. 110, 111.) The appeal was docketed on March 16, 2021 and is currently pending before the United States Court of Appeals for the Eighth Circuit, case number 21-1611.

“The filing of a notice of appeal [] confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). Furthermore, “[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may deny the motion.” Fed. R. Civ. P. 62.1(a)(2).

Here, in the March 1, 2021 Order, the undersigned denied several *pro se* motions filed by Defendant, including motions seeking discharge or a discharge hearing under Section 4247(h), an order to his counsel to file a motion for a discharge hearing, and substitute counsel. (Doc. 110.) In the March 4, 2021 Order, the undersigned again denied a *pro se* motion for substitute counsel, along with a motion for default judgment. (Doc. 111.)

A review of the multiple Motions at issue shows that Defendant repeatedly seeks the same relief that was previously addressed by the undersigned in the March 1, 2021 and March 4, 2021 Orders, specifically either discharge or a discharge hearing, an order to counsel to move for discharge or a discharge hearing, and substitute counsel. Additionally, those same issues are currently before the Eighth Circuit in Defendant's pending appeal. Consequently, because Defendant moves for relief regarding aspects of the case involved in the docketed and pending appeal, this Court lacks the authority to grant said relief.

Therefore, pursuant to Fed. R. Civ. P. 62.1(a)(2), it is **ORDERED** that Defendant's *pro se* Motions (docs. 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 142, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 160, 161, 164, 165, 167, 168, 170, 171, 172, 173), filed between April 2, 2021 and September 20, 2021, during the pendency of his appeal, are **DENIED**.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: March 9, 2022